IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 34868 of 2007(A)

PETITIONER:

K.RAJENDRAN, CHAIRMAN,
AYURVEDA RESEARCH AND DEVELOPMENT TRUST,
PATTANAKADU P.O., ALAPPUZHA.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

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1. **GOVERNMENT OF KERALA, REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE KHADI AND VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.**

3. **THE TAHSILDAR, CHERTHALA.**

BY ADV. SRI. K.P. HARISH, SC
BY GOVERNMENT PLEADER SRI. MATHEW GEORGE VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34868 of 2007

Dated this the 28th November, 2007

J U D G M E N T

The Ayurvedic Research and Development Trust, Pattanakkadu of which the petitioner is stated to be the Chairman, availed a loan from the 2nd respondent. Repayment of the same was defaulted. Revenue Recovery Proceedings were initiated. Exhibit-P1 is the sale notice issued in relation to the above. The defaulter approached the 2nd respondent under the One Time Settlement Scheme. That was accepted and by Exhibit-P3 the defaulter was directed to deposit an amount of Rs.13,14,136/- in full and final settlement of the liability. This includes an amount of Rs.91,614/- by way of collection charges . Admittedly, the defaulter did not pay the amount as directed. He has approached this Court, inter alia challenging the levy of collection charges demanded as per Exhibit-P3.

2. In my view, even if the inclusion of the said amount in Exhibit-P3 is interfered with, it does not result in resolution of the dispute between the parties. Admittedly, the petitioner has not paid any amount in pursuance of Exhibit-P3. Moreover Exhibit -P3 is the offer made by the 2nd respondent under One Time Settlement Scheme and it is upto the petitioner to accept the same. Even if he is not willing to accept the same, he should intimate the 2nd respondent in that regard. If he wants to avail

the benefit of Exhibit-P3, then he will have to comply with the conditions.

3. In the circumstances, after hearing the learned Standing Counsel for the 2nd respondent and learned Government Pleader also, this writ petition is disposed of permitting the petitioner to approach the 2nd respondent with a request for extension of time to make the payment stipulated in Exhibit-P3 or for a facility to make the payment in instalments. If the petitioner has a grievance regarding collection charges, he may raise such grievance, in which case, the 2nd respondent shall consider the same in the light of the law laid down by this Court in **Bhaskaran Vs. Sub Registrar [2005 (3) KLT 150]** as also Exhibit-P4. The petitioner may file a representation, within a period of three weeks from today and if so, the 2nd respondent shall take a decision thereon, within one month thereafter. Further proceedings pursuant to Exhibit-P1 shall be kept in abeyance till a decision is taken by the 2nd respondent, provided the petitioner pays an amount of Rs.3 Lakhs along with the representation, within a period of three weeks from today.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007